



# *Inside Ag*

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### **ICS Sunset Reviews**

The Inspection & Consumer Services Division recently underwent Sunset Reviews of several of its programs. Programs reviewed were the Measurement Standards Large Scale and Small Scale Programs, the Egg Program, the Farm Products Program, the Commodity Handler Program, the Meat Processor Inspection Program and the Food Plan Operator Program.

#### **What is a Sunset Review?**

A sunset review is an assessment of a state licensing program to determine whether or not the program should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consumer protection and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation. Sunset Reviews are prepared by the Colorado Department of Regulatory Agencies (DORA), Office of Policy, Research and Regulatory Reform (OPPR). Information on the DORA, OPPR and Sunset Reviews can be found at the [Office of Policy, Research and Regulatory Reform Home Page](#).

#### **Outcomes of the reviews**

##### **Egg Program**

DORA's review of the Egg Program resulted in a report to the legislature with several recommendations for legislative changes in the 2009 Legislative session. Major recommendations were to continue the Colorado Egg Law for 11 years, replace wholesale and retail licenses with a single "egg dealer" license, and to allow small egg producers to voluntarily obtain a dealer license. Other recommendations included clarifying the Commissioners rulemaking authority and the repeal of obsolete language and definitions.

The entire report can be found at [2008 Sunset Review: Colorado Egg Law](#)

The DORA Report was presented to the Senate Agriculture Committee, and a bill was drafted to implement the DORA recommendations. This bill, [SB 09-127](#), was passed into law during the 2009 Session.



##### **Farm Products/Commodity Handler Program**

DORA's review of the Farm Products Program/Commodity Handler Program resulted in a report to the legislature with several recommendations for legislative changes for consideration in the 2009 Legislative session. Major recommendations were to continue the Farm products Act and The Commodity Handler Act for 11 years, require Farm Products Cash Buyers to pay the same license fee as Small-Volume Dealers, and to allow Small-Volume Dealers to sell commodities, in addition to farm products. Other recommendations included removal of the limitation that the Commissioner may only access properties and records during regular business hours and the repeal of obsolete language.

The entire report can be found at [2008 Sunset Review: Farm Product Commodity Handler Act](#)

The DORA Report was presented to the Senate Agriculture Committee, and a bill was drafted to implement the DORA recommendations. This bill, [SB 09-114](#), was passed into law during the 2009 Session.

### **Measurement Standards Programs**

DORA's review of the Measurement Standards Large Scale and Small Scale Programs resulted in a report to the legislature with several recommendations for legislative changes for consideration in the 2009 Legislative session. Major recommendations were to continue the Measurement Standards Act of 1983 for 9 years, eliminate the mandatory requirement for the Department to test city and county tuning forks and to remove the requirement for the use of a "certified scale" in commercial transactions and allow for the use of any licensed scale. Other recommendations included the authorization for the Commissioner to promulgate rules to clarify when a scale should receive a work ("blue tag") or condemned ("red tag") order and the addition and deletion of definitions to update or clarify the Act.

The DORA report can be found at [2008 Sunset Review: Measurement Standards Act](#)

The DORA Report was presented to the Senate Agriculture Committee, and a bill was drafted to implement the DORA recommendations. This bill, [SB 09-113](#), and amendments to the bill suggested by the CDA, passed into law during the 2009 Session.

### **Meat Processor Inspection and Food Plan Operator Program**

DORA's review of the Meat Processor Inspection Program and the Food Plan Operator Program resulted in a report to the legislature with several recommendations for legislative changes for consideration in the 2009 Legislative session. Major recommendations were to continue licensing Custom Meat Processors and Food Plan Operators for nine years, sunset the regulation of locker plants, separate the license provisions for custom meat processors and food plans, and allow the Commissioner to make a bond claim instead of the current requirement for a consumer to sue in court. Other recommendations included authorizing the Department to establish license expiration dates in rule, repeal of the prohibition on non-employees being present in the processing area, repeal of the custom processing license exemption for grocery stores, repeal of the 20 pound minimum threshold for regulation of bulk or bundled meat products and the addition and deletion of definitions to update or clarify the Act.

The entire report can be found at [2008 Sunset Review: Slaughter, Processing and Sale of Meat Animals Act](#)

The DORA Report was presented to the Senate Agriculture Committee, and a bill was drafted to implement the DORA recommendations. This bill, [SB 09-117](#) and amendments to the bill suggested by the CDA, passed into law during the 2009 Session.

